

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

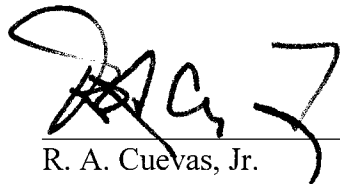
**DATE:** July 10, 2007

**FROM:** R. A. Cuevas, Jr.  
Acting County Attorney

**SUBJECT:** Resolution authorizing  
certain settlement in county  
eminent domain proceedings  
by County Attorney in  
connection with the  
acquisition of a permanent  
aerial easement and a  
temporary construction  
easement needed for roadway  
improvements

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The accompanying resolution was placed on the agenda by the Acting County Attorney.

A handwritten signature in black ink, appearing to read 'RAC, Jr.', is written over a horizontal line.

R. A. Cuevas, Jr.  
Acting County Attorney

RAC/jls




# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM:   
R.A. Cuevas, Jr.  
Acting County Attorney

SUBJECT: Agenda Item No. 13(A)(1)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☒ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 13(A)(1)

Veto \_\_\_\_\_

07-10-07

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF A PERMANENT AERIAL EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT NEEDED FOR ROADWAY CONSTRUCTION FOR ROADWAY IMPROVEMENTS TO N.W. 97 AVENUE, FROM FONTAINEBLEAU BOULEVARD TO NORTH OF N.W. 14 STREET, IN MIAMI-DADE COUNTY, FLORIDA

**WHEREAS**, this Board by Resolution No. R-1261-01 dated November 6, 2001 previously declared the acquisition of a permanent aerial easement and a temporary construction easement needed for roadway improvements to N.W. 97 Avenue, from Fontainebleau Boulevard to North of N.W. 14 Street, in Miami-Dade County, Florida, to be a public necessity and authorized the acquisition of land therefor by eminent domain proceedings; and

**WHEREAS**, the owner of the parcels of land set forth in the attached land acquisition summary sheet has offered to settle for the figure specified therein; and

**WHEREAS**, the County Attorney hereby recommends the settlement amount as set forth in the attached land acquisition summary sheet,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that the County Attorney is hereby authorized to compromise and settle on behalf of the County all claims against the County in eminent domain proceedings for the parcel and for substantially the terms and the amount specified in the attached land acquisition summary sheet.

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The foregoing resolution was offered by Commissioner \_\_\_\_\_, who  
moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 10<sup>th</sup> day  
of July, 2007. This resolution shall become effective ten (10) days after the date of its adoption  
unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this  
Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Thomas Goldstein



**LAND ACQUISITION SUMMARY SHEET**  
**PARCEL NOS. 1A and 1B**

**PROJECT LOCATION:** Acquisition of a permanent aerial easement and a temporary construction easement needed for roadway construction for roadway improvements to N.W. 97 Avenue, from FONTAINEBLEAU Boulevard to North of N.W. 14 Street, in Miami-Dade County, Florida

**PARCEL NUMBERS:** 1A and 1B

**OWNERSHIP INTEREST:** CSX Transportation, Inc., a Virginia corporation

**PARCEL AREA ACQUIRED:** Parcel No. 1A (Aerial Easement)  
9,176 sq. ft.  
Parcel No. 1B (Temporary Construction Easement)  
34,371 sq. ft.

**COUNTY APPRAISAL:** J. Mark Quinlivan, MAI  
\$96,250.00

**OWNER(s) APPRAISAL:** Heyward Cantrell, MAI  
\$262,800.00

**EXPOSURE TO COUNTY:** \$166,550.00

**SETTLEMENT AMOUNT:** \$239,950.00

**FULL COMPENSATION:** \$290,948.00

Full compensation includes the settlement amount of \$239,950.00 for the permanent aerial easement and temporary construction easement; \$47,223.00 for statutory attorney's fee; and \$4,375.00 for expert witness fees and costs.

**REMARKS:** The County Appraiser concurs in the amount for full compensation based on applying a non-discounted "at the fence value" to the land acquired and an extended temporary construction easement that ran for a total of 5 years.